

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT DEVELL KINCADE,

Defendant.

Case No. 2:15-cr-00071-JAD-GWF

**ORDER**

Motion to Compel (#58)

This matter is before the Court on Defendant's Motion to Compel Production of Exculpatory Physical and Forensic Evidence (#58), filed on December 9, 2015. The Government's Response (#65) was filed on December 23, 2015 and Defendant's Reply (#68) was filed on December 29, 2015.

Defendant requests that this Court compel the Government to produce all exculpatory physical and forensic evidence that it has in its possession. Specifically, Defendant requests the disclosure of forensic evidence such as latent print exams and DNA analysis. Defendant further requests the disclosure of footwear impression evidence and crime scene photos. The Government represents that on December 23, 2015, it made available to Defendant additional discovery that included the information requested by Defendant in his motion. The Government further informed that on December 11, 2015, it allowed Defendant's investigator to review the footwear impression evidence as requested by Defendant in his motion. Based on the Government's representations, the Court finds that Defendant's motion is no longer necessary. Accordingly,

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GEORGE FOLEY, JR.  
United States Magistrate Judge